

28th June 1952]

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, let me help as well, as an old-fashioned lawyer. Now there is a Supplementary Agenda. It does not mean that the subjects included in it are supplementary. The Supplementary Agenda is really a correction to the original Agenda, because it reads like this: ‘ IV. Government Bills, (2) The Madras Irrigation (Levy of Betterment Contribution) Bill, (3) The Madras Land Revenue (Surcharge) Bill ’ and then at the end it is stated ‘ Item (2) of the Agenda will be renumbered as item (4) ’. This is a correction to the original Agenda and the corrected Agenda is being followed.”

MR. SPEAKER :—“ The question is—

‘ That leave be granted for the introduction of the Madras Irrigation (Levy of Betterment Contribution) Bill, 1952.’ ”

The motion was carried and the Bill introduced.

(3) THE MADRAS LAND REVENUE (SURCHARGE) BILL, 1952.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move—

‘ For leave to introduce the Madras Land Revenue (Surcharge) Bill, 1952.’ ”

MR. SPEAKER :—“ The question is—

‘ That leave be granted for the introduction of the Madras Land Revenue (Surcharge) Bill, 1952.’ ”

The motion was carried and the Bill introduced.

(4) THE MADRAS REQUISITIONED LAND (CONTINUANCE OF POWERS) BILL, 1952 (L.A. BILL NO. 3 OF 1952).

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I beg to present the report of the Select Committee on the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952) and move—

‘ That the Bill^a as amended by the Select Committee be taken into consideration.’ ”

MR. SPEAKER :—“ The motion is—

‘ That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended by the Select Committee be taken into consideration.’ ”

* SRI V. GOPALAKRISHNIAH :— “ ఈ బిల్లు ఏమో మాకు తెలియదు. బిల్లు గెలుపులో పక్కటెముకలేదు.

SRI T. VISWANATHAM :—“ Probably hon. Members are not aware of the procedure to be followed in this regard and that this is not the time to speak on the principle of the Bill. The Hon. Speaker may explain to hon. Members the procedure to be followed.”

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MR. SPEAKER:—"I cannot speak Telugu. I hope hon. Members know that this Motion is for the consideration of the Madras Requisitioned Land (Continuance of Powers) Bill, 1952. (The hon. Member Sri Gopalakrishniah stood up in his seat.) What is it that the hon. Member wants?"

SRI T. NAGI REDDI:—"The hon. Member says that the Bill has been published only in English and not in Telugu. As he does not know English, he wants that the Bill should be printed in Telugu to enable him to take part in the proceedings of the Assembly and also to give his opinion on this Bill."

MR. SPEAKER:—"He wants all the agenda to be printed in Telugu? (An hon. Member: 'The Bill also'). We shall consider the matter. Now I am going to put the motion to the vote of the House. The question is—

'That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended by the Select Committee be taken into consideration.'

The motion was carried.

MR. SPEAKER:—"Amendments to the Bill have already been circulated to hon. Members. I will take up the Bill clause by clause. The preamble and clause 1 will be taken up at the end."

Clause 2.

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Sir, I beg to move—

'For the expression "and Madras Ordinance I of 1952," substitute "Madras Ordinance I of 1952 and Madras Ordinance II of 1952".'

"Sir, I may explain that this is necessitated on account of the fact that a second Ordinance has been issued and it has to find a place in the body of the Bill."

MR. SPEAKER:—"The question is—

'For the expression "and Madras Ordinance I of 1952," substitute "Madras Ordinance I of 1952 and Madras Ordinance II of 1952".'

The amendment was carried.

MR. SPEAKER:—"The hon. Member Sri Krishnaswami Ayyangar may now move his amendments."

SRI P. S. KRISHNASWAMI AYYANGAR:—"I am not moving my amendments, Sir."

Clause 2 as amended was put and carried.

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Clause 3.

MR. SPEAKER:—"The hon. Member Sri Krishnaswami Ayyangar may move his amendments."

SRI P. S. KRISHNASWAMI AYYANGAR:—"I am not moving any of my amendments, Sir."

* SRI V. GOPALAKRISHNIAH:—"ఆధ్యతా, బిల్లులోని 3-వ క్లాజులో ఆఫ్టి మొట్టమొదట ఎవ్వరివద్దనుంచి స్వాధీనముచేసుకొన్నారో వారికి 30% స్వాధీనకరవలెనని ఉన్నది. కాని ఆవరణలో ఈ విధంగా జరుగుటలేదు. ఇందుకుగాను ఉపాహరణగా ఒక విషయం మనవిచేస్తాను. ఇదివరలో గుంటూరులో Technical Institute కు గాను 12 ఎకరముల భూమిని Defence of India Rules ప్రకారము రైతులను వదిలిచేసి ప్రభుత్వమువారు స్వాధీనము చేసుకొన్నారు. ఈ భూమి ఆసలు స్వంతదారులు వేదరైతులవారు 2 కరుకాదు. నలుగురైవగురు. ఈ భూమిని స్వాధీనముచేసుకొని ప్రభుత్వమువారు ఇంతవరకును వారికి ఎట్టి ముదరాను చెల్లించలేదు. ఇంకను డిపోజిట్ డబ్బు బాంకులకానే ఉన్నది. ఇటువంటి సందర్భములో ఈ వేదరైతులే భూమి ఆసలు సంతదారులుకాని ఇతర మధ్యవర్తులెవ్వరికి దానిపై ఎటువంటి హక్కు ఉండకూడదు. కాని ఈ మధ్య హైకోర్టువారు ఇచ్చిన తీర్పువల్ల ఈ భూమి మరొక మధ్యవర్తికి చెందునట్లున్నది. ఇది చాలా దారుణమైన విషయము. మొట్టమొదట భూమి ఎవరిచో వారికి దానిని తిరిగి సంక్రమింపజేయడం ధర్మం. లేనిచో ఈ బిల్లియొక్క ప్రయోజనమేమీ ఉండదు. ఈ విషయాన్ని ప్రభుత్వమువారు ఆలోచించి భూములను ఆసలు స్వంతదారులకే ఉప్పించేటట్లు చేయగోరాను."

Clause 3 was put and carried.

Clause 4.

SRI M. NARAYANA KURUP:—"I am not moving my amendment, Sir."

Clause 4 was put and carried.

Clause 5.

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I beg to move the following amendment:—

'At the end of the first paragraph, add the words, "set out in the Schedule to this Act".'

MR. SPEAKER:—"The question is—

'At the end of the first paragraph, add the words, "set out in the Schedule to this Act".'

The amendment was carried.

Clause 5 as amended was put and carried.

Clause 6 was put and carried.

Clause 7 was put and carried.

Clause 8 was put and carried.

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Clause 9.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move the following amendment :—

' In sub-clause (1), first paragraph, for the expression " and Madras Ordinance I of 1952 ", substitute " Madras Ordinance I of 1952 and Madras Ordinance II of 1952 " ' "

MR. SPEAKER :—" The question is—

' In sub-clause (1), first paragraph, for the expression " and Madras Ordinance I of 1952," substitute " Madras Ordinance I of 1952 and Madras Ordinance II of 1952 " ' "

The amendment was carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move the following amendment :—

' In the proviso, in line 2, after the words " the said Act ", insert the words and figures " or Madras Ordinance II of 1952 " ' "

MR. SPEAKER :—" The question is—

' In the proviso, in line 2, after the words " the said Act " insert the words and figures " or Madras Ordinance II of 1952 " ' "

The amendment was carried.

Clause 9 as amended was put and carried.

NEW SCHEDULE.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to move the following amendment :—

' After clause 9, add the following Schedule :—

SCHEDULE.

(See section 5.)

SECTION 19 OF THE DEFENCE OF INDIA ACT, 1939 (CENTRAL ACT XXXV OF 1939).

Compensation to be paid in accordance with certain principles for compulsory acquisition of immovable property, etc.

19. (1) Where by or under any rule made under this Act any action is taken of the nature described in sub-section (2) of section 299 of the Government of India Act, 1935, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say :—

(a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Central Government shall appoint as arbitrator a person qualified under sub-section (3) of section 220 of the above-mentioned Act for appointment as a Judge of a High Court.

26 Geo. 5.
c. 2.

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(c) The Central Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose.

(d) At the commencement of the proceedings before the arbitrator, the Central Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(e) The arbitrator in making his award shall have regard to—

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; and

I of 1894.

(ii) whether the acquisition is of a permanent or temporary character.

(f) An appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf by rule made by the Central Government.

(g) Save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this section.

(2) The Central Government may make rules for the purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitrations under this section;

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;

(c) the maximum amount of an award against which no appeal shall lie.

RULES MADE UNDER SECTION 19 OF DEFENCE OF INDIA
ACT, 1939.

1. (1) These rules may be called the Defence of India (Payment of Compensation and Arbitration) Rules, 1943.

(2) These rules shall apply to all cases where action is taken under rule 75-A of the Defence of India Rules by or on behalf of the State Government, or by an officer of the State Government on behalf of the Central Government.

2. In these rules unless there is anything repugnant in the subject or context,

(a) " the Act " means the Defence of India Act, 1939;

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(b) "Collector" means the Collector of a district or any officer authorized to exercise the powers under rule 75-A of the Defence of India Rules in regard to immovable property;

(c) "Court" means a Principal Civil Court of original jurisdiction;

(d) "person interested" includes all persons claiming an interest in compensation to be made for immovable property requisitioned or acquired under rule 75-A of the Defence of India Rules;

(e) "property" means immovable property requisitioned or acquired under rule 75-A of the Defence of India Rules.

3. In determining the amount of compensation the Collector shall be guided,

(a) in case of requisitioning, by the principles which the State Government may, by order, specify in that behalf; and

(b) in cases of acquisition, by the provisions contained in section 23 (1) of the Land Acquisition Act, 1894, so far as the said section can be made applicable.

4. The Collector shall, as soon as may be practicable after the making of a requisitioning order or the service or publication of a notice of acquisition, communicate, to each person interested, an offer of what, in the opinion of the Collector, is a fair amount of compensation payable to such person in respect of the property requisitioned or acquired.

5. If the owner of the property is not readily traceable or if there be no person competent to alienate the property or if the ownership of the property is in dispute or if there be any dispute as to the title to receive the compensation or as to the apportionment of the amount offered as compensation, the Collector shall deposit in Court the amount of the compensation as determined by him under rule 3. He shall at the same time submit to the State Government through the Board of Revenue, a report setting forth the full facts of the case with all the connected papers and apply for the appointment of an arbitrator. Where the compensation is recurring, the Collector shall, in cases covered by this rule, deposit the amount in Court from time to time in arrear as it falls due.

6. (1) Every person interested, to whom an offer is made under rule 4, shall, within fifteen days of the receipt of the offer, communicate in writing to the Collector his acceptance or otherwise of the offer. If he accepts the offer, the Collector shall enter into an agreement with him on behalf of the State Government or the Central Government, as the case may be, in the form in Schedule I or Schedule I-A annexed

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to these rules with such modifications as the nature of the case may require. Except in the cases specified in sub-rule (2), the Collector shall, as soon as may be practicable thereafter, pay to such person the sum specified in the offer.

(2) If the compensation is recurring, it shall, except in the cases hereinafter mentioned, be paid in arrears. If in the opinion of the Collector some immediate payment is necessary to alleviate hardship and the person interested has accepted the offer made under rule 4, the Collector may make an advance payment to him of an amount not exceeding the compensation payable for the first six months. If the compensation payable for a year does not exceed Rs. 10, the Collector may pay half-yearly in advance, the compensation due for every six months.

(3) In the following circumstances, the Collector may, at his discretion, make, to persons of small means, an advance payment up to 80 per cent of the amount which, in his opinion, is likely to be assessed as compensation, or recurring compensation for the first six months, as the case may be—

(a) when there is likely to be delay in assessing compensation.

(b) where the Collector has made an assessment but there is delay in reaching an agreement, though there is a reasonable prospect of agreement being reached, or

(c) where it is clear that an agreement cannot be reached.

(4) If the Collector makes an advance payment under sub-rule (3), he shall enter into an agreement with the person to whom payment is made on behalf of the State Government or the Central Government, as the case may be, in the form in Schedule II annexed to these rules, with such modification as the nature of the case may require.

7. If any person to whom an offer is made under rule 4 does not accept the offer or does not, within fifteen days of the receipt of the offer, communicate in writing to the Collector his acceptance or otherwise of the offer, the Collector shall, as soon as may be, submit to the State Government through the Board of Revenue a report setting forth the full facts of the case particularly as regards the nature and extent of disagreement between himself on the one hand and the said person on the other and he shall also forward with the report all the connected papers. The Collector shall at the same time deposit in Court the amount offered by him to the said person under rule 4.

8. If on examination of the report submitted by the Collector under rule 7, and after further enquiries if necessary, the State Government are satisfied that an agreement cannot be reached they shall appoint an arbitrator under section 19

THE MADRAS REQUISITIONED LAND (CONTINUANCE
OF POWERS) BILL, 1952 (L.A. BILL
NO. 3 OF 1952)

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(1) (b) of the Act. They shall also likewise appoint an arbitrator in every case in which they receive an application from the Collector under rule 5.

9. As soon as an arbitrator is appointed, the State Government or the Collector shall forward or cause to be forwarded to the arbitrator the relevant records connected with the case.

10. (1) The arbitrator shall, not later than three weeks from the date of receipt of the records referred to in rule 9, fix a day or days for hearing the claims and shall give notice thereof to the person or persons interested and to the Collector at least five clear days before such hearing.

(2) On the day or days so affixed, the arbitrator shall proceed to inquire into the case, shall take such evidence as may be adduced on behalf of the claimants and on behalf of the State or Central Government as the case may be, and shall make an award of the amount of compensation which in his opinion should be allowed for the property and of the apportionment of the said compensation among all persons known to be interested in the property.

(3) The arbitrator may adjourn his sittings, if he finds it necessary to do so, but the case shall be disposed of as expeditiously as possible.

11. Every award under rule 10 shall be in writing signed by the arbitrator and shall specify the grounds of the award.

12. As soon as the arbitrator makes an award under rule 10, the Collector shall pay the compensation awarded by the arbitrator to the persons entitled thereto according to the award except in the following cases :—

(1) Cases mentioned in rule 5.

(2) Cases in which the persons interested do not consent to receive payment but propose to appeal to the High Court against the award of the arbitrator and in which such an appeal lies under rule 14.

In the excepted cases, the Collector shall deposit in Court the amount if any awarded by the arbitrator in excess of that determined by him under rule 3.

13. If any money is deposited in Court under rule 5, rule 7 or rule 12, the Court shall deal with it in the manner laid down in sections 32 and 33 of the Land Acquisition Act, 1894.

14. No appeal shall lie to the High Court against the award of an arbitrator—

(i) in the case of an award of recurring compensation, where the total amount of such compensation for a period of five years does not exceed Rs. 5,000;

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(ii) in other cases where the amount of the award does not exceed Rs. 5,000.

15. The arbitrator shall include in his award a statement of all costs, expenses and charges properly incurred by each of the parties in the course of the arbitration proceedings and, having regard to all the circumstances of the reference to arbitration, the proceedings thereon and the results thereof, decide how these costs, expenses and charges should be apportioned between the parties.

16. No person claiming under an award made under rule 10 shall be liable to pay any fee for a copy of the same.

SCHEDULE I.

[See rule 6 (1).]

Form of agreement to be made on behalf of the State
Central
Government with owners of immovable property requisitioned when payment is made in full.

MEMORANDUM OF AGREEMENT made this _____ day of _____
one thousand nine hundred _____ BETWEEN
_____ son of _____
by occupation _____

at present residing at _____
hereinafter referred to as the owner (which expression shall
owners unless excluded by or repugnant to the context be deemed to
include his heirs, executors, administrators and
their respective assigns) of the one part AND THE GOVERNOR OF MADRAS (herein-
CENTRAL GOVERNMENT after referred to as the Government) of the other part.

WHEREAS the immovable property particulars whereof are set out in the schedule hereunder (hereinafter called the said property) has been requisitioned under the Defence of India Act, 1939, and the rules framed thereunder and on the

_____ day of _____ 19 _____ taken
possession of by or on behalf of or under the authority of the Government;

AND WHEREAS the owner has represented and stated to the
owners have Government that the owner alone is entitled to all com-
owners are pensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS the said property consists *inter alia* of land and structures and Government has dismantled the said structures; [Omit if the owner had no structures.]

[Sri M. A. Manickavelu Naicker] [28th June 1952]

[Omit if the
owner had
no struc-
tures.]

AND WHEREAS the owner
owners and the Government have mutually
agreed to settle the amount of compensation payable by the
Government to the owner
owners in connexion with the said requisition in the manner hereinafter appearing:

AND WHEREAS the Government have agreed to pay to the owner in advance a sum not exceeding the recurring compensation payable for the first _____ months of the said requisition;

NOW THIS AGREEMENT WITNESSETH as follows:—

[Omit if the
owner had
no struc-
tures.]

1. The Government shall pay and the owner
owners shall accept and receive a sum of Rs. _____ in full settlement of the compensation for the structures.

2. The Government shall pay and the owner
owners shall accept and receive a payment of Rs. _____ per month/quarter/year in arrear for the said property with effect from the said day of _____ 19____, so long as the Government shall remain in possession thereof and the requisition continues, the payment for the first _____ months being paid in advance.

3. The owner
owners shall not claim or be entitled to any other compensation whatsoever in connexion with the said requisition.

4. The owner
owners shall meet and pay the revenue, rent, municipal taxes and all other outgoings relating to the said property whether payable by the owner
owners or the occupier thereof.

5. If it hereafter transpires that the owner is
owners are not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Government have to pay any compensation to any other person the owner
owners shall refund to the Government the compensation paid or such part thereof as the owner is
owners are not entitled to and shall otherwise indemnify the Government against any loss or damage suffered by the Government by reason of any fault or defect in title as represented by the owner
owners. Without prejudice to any other remedies for the enforcement of such refund and indemnity the Government may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

6. Should any dispute or difference arise out of or concerning the subject-matter of these presents or any covenant,

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clause or thing herein contained or otherwise arising out of the requisition aforesaid the same shall be referred to an arbitrator to be appointed by the State Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

Schedule above referred to.

(Particulars and description of property requisitioned.)

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

SIGNED and DELIVERED by the abovenamed }
owner }
owners in the presence of }

SIGNED and DELIVERED for and on behalf }
Governor of Madras }
of the Central Government by }
in the presence of }

(When advance payment is made, the following shall be endorsed on the agreement.)

The owner acknowledges }
owners acknowledge } to have received on this date the sum
of Rs. being an advance payment of the amount pay-
able under paragraph hereof in respect of
the period from to
Dated the day of

SCHEDULE I-A.

[See rule 6 (1).]

Form of agreement to be made on behalf of the State Gov-
ernment with the owner of immovable property acquired
when payment is made in full.

MEMORANDUM OF AGREEMENT made this day of 19

BETWEEN son of
by caste by occupation
at present residing at
(hereinafter called the owner which expression shall unless
excluded by or repugnant to the context be deemed to include
his heirs, executors, administrators and assigns) of the one part
AND THE Governor of Madras
Central Government (hereinafter called the Govern-
ment) of the other part.

[Sri M. A. Manickavelu Naicker] [28th June 1952]

WHEREAS the immovable property particulars whereof are set out in the schedule below (hereinafter called the said property) has been acquired under the Defence of India Rules on the day of

AND WHEREAS the owner has represented and stated to the Government that he alone is entitled to the compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS the owner and the Government have mutually settled the amount of compensation payable by the Government to the owner in connexion with the said acquisition;

NOW, THIS AGREEMENT WITNESSETH as follows:—

1. The Government shall pay and the owner shall accept and receive a sum of Rs. _____ in full settlement of the compensation for the said property.

2. If it hereafter transpires that the owner is not entitled or exclusively entitled to the compensation payable in respect of the said property or if the Government have to pay any compensation to any other person, the owner shall refund to the Government the compensation paid or such part thereof as the owner was not entitled to receive and shall otherwise indemnify the Government against any loss or damage suffered by the Government by reason of any fault or defect in title as represented by the owner. Without prejudice to any other remedies for the enforcement of such refund and indemnity, the Government may recover any sum payable by way of refund and/or indemnity as arrears of land revenue.

3. Should any dispute or difference arise out of or concerning the subject-matter of these presents or any covenant, clause or thing herein contained or otherwise arising out of the acquisition aforesaid the same shall be referred to an arbitrator to be appointed by the Government and the decision of such arbitrator shall be conclusive and binding on the parties hereto. The provisions of the Arbitration Act, 1940, shall apply to such arbitration.

Schedule above referred to.

IN WITNESS WHEREOF _____ and _____ acting
for and on behalf of and by the order and direction of His
Excellency the Governor of Madras
Central Government have hereunto set their hands.

SIGNED by the abovenamed
in the presence of _____

SIGNED by the abovenamed
in the presence of _____

(When payment is made, the following shall be endorsed on the agreement.)

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" The owner acknowledges to have received on this date the sum of Rs. in full settlement of the compensation payable under clause 1 hereof."

SCHEDULE II.

[See rule 6 (4).]

Form of agreement to be made on behalf of the State Central Government with owners of immovable property requisitioned when the persons to be compensated are known but for want of agreement as to the amount of compensation certain sums are paid on account.

MEMORANDUM OF AGREEMENT made this day of one thousand nine hundred and BETWEEN son of by caste by occupation at present residing at

hereinafter referred to as the owner owners (which expression shall unless excluded by or repugnant to the context be deemed to include his their respective heirs, executors, administrators and assigns) of the one part AND THE GOVERNOR OF MADRAS CENTRAL GOVERNMENT (hereinafter referred to as the Government) of the other part.

WHEREAS the immovable property particulars whereof are set out in the schedule hereunder (hereinafter called the said property) has been requisitioned under the Defence of India Act, 1939, and the rules framed thereunder and in the

day of 19 taken possession of by or on behalf of or under the authority of the Government;

AND WHEREAS the said owner has owners have represented and stated to the Government that the owner owners alone is are entitled to all compensation payable in respect of the said property and no other person has any right to such compensation or any part thereof;

AND WHEREAS no agreement has been arrived at between the parties as to the amount of compensation payable to the owner owners and the Government has at the request of the owner owners agreed to make payment to the owner owners on account pending an agreement between the parties as to the amount of compensation payable or the final determination of such amount under the law.

[Sri M. A. Manickavelu Naicker] [28th June 1952]

Now, THIS AGREEMENT WITNESSETH as follows :—

1. The Government shall pay and the owner
owners shall accept
and receive payment of Rs. _____ per month/
quarter/year for the said property with effect from the said
day of _____ 19 _____ pending agreement as to or deter-
mination of the amount payable as compensation to the
owner
owners.

2. Upon such agreement or determination of the amount
payable as compensation as aforesaid, an account shall be
prepared crediting the Government with the payments made
by the Government as aforesaid and debiting the Government
with the amount payable as compensation. If on such
account being prepared there is a balance in favour of the
Government, the amount of such balance shall be forthwith
refunded by the owner
owners to the Government. If there is a
balance payable to the owner
owners, the Government shall pay
the amount thereof to the owner
owners.

3. If it hereafter transpires that the owner is
owners are not entitled
or exclusively entitled to the compensation payable in respect
of the said property or if the Government have to pay any
compensation to any other person, the owner
owners shall refund to
the Government the payments made hereunder and shall
otherwise indemnify the Government against any loss or
damage suffered by the Government by reason of any fault or
defect in his
their title as represented by him
them. Without preju-
dice to any other remedies for the enforcement of any
refund and/or indemnity, the Government may recover any
sum payable by way of refund and/or indemnity as arrears of
land revenue.

4. Should any dispute or difference arise out of or con-
cerning the subject-matter of these presents or any covenant,
clause or thing herein contained or otherwise arising out of
the requisition aforesaid the same shall be referred to an
arbitrator to be appointed by the State Government and the
decision of such arbitrator shall be conclusive and binding on
the parties hereto. The provisions of the Arbitration Act;
1940, shall apply to such arbitration.

28th June 1952] [Sri M. A. Manickavelu Naicker]

Schedule above referred to.

IN WITNESS WHEREOF these presents have been executed the day and year first above written.

SIGNED and DELIVERED by the abovenamed ^{owner} }
in the presence of _{owners} }

SIGNED and DELIVERED for and on behalf of the }
Governor of Madras }
Central Government by }

MR. SPEAKER :—“ The question is—
‘ After clause 9, add the following schedule * ’ ”
The amendment was carried.

Clause 1.

Sub-clause (3).

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move the following amendment :—

‘ For the words, “ It shall be deemed to have come into force on the 13th day of June 1952 ” substitute the words “ It shall come into force at once ” ’ ”

10
a.m.

MR. SPEAKER :—“ Amendment moved—

‘ For the words, “ It shall be deemed to have come into force on the 13th day of June 1952 ”, substitute the words “ It shall come into force at once ” ’ ”

The amendment was carried.

Clause 1 as amended was put and carried.

LONG TITLE.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I move the following amendment :—

‘ For the words, brackets and figures “ under the Requisitioned Land (Continuance of Powers) Act, 1947 ”, substitute the following : “ under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) ” ’ ”

MR. SPEAKER :—“ Amendment moved—

‘ For the words, brackets and figures “ under the Requisitioned Land (Continuance of Powers) Act, 1947 ”, substitute the following : “ under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) ” ’ ”

The amendment was carried.

The Long Title as amended was put and carried.

[28th June 1952]

PREAMBLE.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move the following amendment :—

" For the words, brackets and figures " under the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947) ", substitute the following : " under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) " . " "

MR. SPEAKER :—" Amendment moved—

" For the words, brackets and figures " under the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947) ", substitute the following : " under the Madras Requisitioned Land (Continuance of Powers) Ordinance, 1952 (Madras Ordinance II of 1952) " . " "

The amendment was carried.

The Preamble as amended was put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

" That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended, be passed into law . " "

SRI P. RAMAMURTHI :—" Mr. Speaker, Sir, I wish to make one suggestion. When a Bill has been accepted unanimously by the Select Committee, I wish we evolve a certain procedure which would dispense with all these formalities so that we can straightaway pass the Bill."

MR. SPEAKER :—" As a matter of fact, the Speaker has got the power to put the whole Bill in the second reading stage. But as there were so many amendments, I had to put the Bill clause by clause. If there had been no amendments, I need not have gone through all these formalities. The question is—

" That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as amended, be passed into law . " "

The motion was carried and the Bill as amended was passed into law.

MR. SPEAKER :—" Before I adjourn the House I wish to inform hon. Members that the Agenda for Monday will be sent to their City addresses.

" I now adjourn the House till 8-30 a.m.* on Monday, 30th June 1952."

The House then adjourned.

PAPER LAID ON THE TABLE OF THE HOUSE.
*Report of the Public Accounts Committee on the Accounts
of 1948-49.*

* This was subsequently changed to 10-30 a.m.